

CERTIFIED TRUE COPY

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FILED

JUL 13 2005

BOARD OF PHARMACY

By: Marianne W. Greenwald
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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	ORDER FOR SURRENDER
MARK SZARZEWSKI, R.P.	:	OF LICENSE
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Pharmacy ("Board") upon receipt of information from his employer First Health Services Corporation, that respondent was using information accessed by him from First Health's prior authorization database to obtain controlled substances by calling in State Medicare beneficiary's prescription refills for medications such as Ambien 10 mg, to pharmacies near his home. After being confronted by his supervisor, respondent admitted to having abused controlled substances and was thereafter terminated June 24, 2005. Respondent is presently on probationary status pursuant to a Consent Order

filed with the Board on February 3, 2005, which is attached hereto and made a part of this Order.

In lieu of a proceeding to temporarily suspend respondent's license to practice pharmacy pursuant to N.J.S.A. 45:1-21, and pursuant to paragraph 8 of the prior Consent Order, respondent, without admitting any of the allegations, has voluntarily agreed to surrender his original certificate and license renewal, which shall be considered suspended pending further order of the Board. The Board finding the within disposition to be adequately protective of the public health, safety and welfare,

IT IS THEREFORE on this 13th day of July, 2005,

ORDERED THAT:

1. Respondent Mark Szarszewski, R.P., is hereby granted leave and shall immediately surrender his license to practice pharmacy in the State of New Jersey, to be considered a suspension pending further order of the Board. This surrender of licensure shall take place immediately upon the entry date of this Order.

2. Respondent shall cease and desist from engaging in the practice of pharmacy, which includes, but is not limited to the following: Respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription, including devices and medications; he shall not handle prescriptions; he shall not advise

or consult with patients, and he is prohibited from being present within a prescription filling area of a pharmacy.

3. Respondent shall surrender his original wall certificate, his wallet certificate, and his most recent renewal card of his license to the Executive Director of the Board immediately upon the entry of this Order by mailing same to Joanne Boyer, Executive Director, Board of Pharmacy, P.O. Box 45013, Newark, New Jersey 07101.

4. Prior to any application for restoration of his license, which shall occur no earlier than one year after the date of entry of this Order respondent shall:

- a. Appear before the Board, or a committee thereof, to discuss his readiness to re-enter the practice of pharmacy. At that time, respondent shall be prepared to propose his plans for future employment in New Jersey. Respondent hereby agrees to provide the Board with the documentation requested in Subsections (d) through (g), of Paragraph 4 of this Order, prior to making his written request for reinstatement or with his written request for reinstatement;
- b. Provide the Board with evidence that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety

and welfare and that he is not then suffering from any impairment or limitation resulting from the use of alcohol or any drug which could affect his ability to practice;

- c. Provide the Board with evidence that he is not a habitual user of alcohol, drugs or intoxicants in violation of N.J.S.A. 45:1-21(1) and is not engaged in professional misconduct in violation of N.J.S.A. 45:1-21(e);
- d. Provide the Board with complete and current treatment records of all diagnostic and rehabilitative therapy and an in-depth, current evaluation from a Board approved psychiatrist or psychologist. In addition, Respondent shall provide reports from each and every mental health professional (including, but not limited to: psychologists, psychiatrists, counselors, and therapists) who have participated in respondent's care and/or treatment for the disability in this matter during the period of time from his entry into treatment to his appearance before the Board;
- e. Submit documentation to the Board that he has participated in random, weekly, and directly witnessed urine monitoring, and has not had any

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positive test results for alcohol or any other psychoactive substances;

1. Provide the Board with a report from any professional assistance program detailing the nature and extent of his involvement with that entity, if any;
 - g. Provide the Board with proof that he has satisfied the continuing education requirements of the Board, pursuant to N.J.A.C. 13:39-3A et seq.; and
 - h. Provide the Board with a full account of his conduct during the intervening period of time from his entry into treatment to his appearance pursuant to this Order.
5. The parties hereby stipulate that entry of this Order is without prejudice to further action by this Board or other law enforcement entities resulting from Respondent's conduct prior to entry of this Order.

NEW JERSEY STATE BOARD OF PHARMACY

By:

Pamela Allen, RPH
Pamela Allen, R.P.
President

I have read the within Order and understand it. I agree to be bound by its terms and hereby consent to it being entered by the New Jersey Board of Pharmacy.

Mark Szarszewski
Mark Szarszewski, R.P.